

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4089 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- KHUSRUPUR District- Patna

-
1. RAJA KUMAR @ RAJ KUMAR Son of Govind Gop R/o vill - Baikatpur, P.S. - Khushrupur, Distt. - Patna
 2. Chotu Kumar @ Chote Kumar Son of Govind Gop R/o vill - Baikatpur, P.S. - Khushrupur, Distt. - Patna
 3. Kundan Kumar Son of Suresh Gop R/o vill - Baikatpur, P.S. - Khushrupur, Distt. - Patna
 4. Bishun Gop @ Vishnudev Kumar Yadav Son of Late Nandu Gop R/o vill - Baikatpur, P.S. - Khushrupur, Distt. - Patna
 5. Atul Yadav @ Atul Kumar Son of Shiv Balak Yadav R/o vill - Baikatpur, P.S. - Khushrupur, Distt. - Patna
 6. Birendra Kumar @ Birendra Yadav Son of Shiv Balak Yadav R/o vill - Baikatpur, P.S. - Khushrupur, Distt. - Patna

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ranjit Paswan son of Chhotan Paswan R/O village and P.o- Baikatpur, P.S- Khushroopur, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranvijay Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 22-04-2025 Heard Mr. Ranvijay Singh, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Despite valid service of notice upon Respondent No.2, no one appears on behalf of Respondent no.2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated



11.08.2023 passed by the learned Exclusive Special Court, SC/ST, Patna in A.B.P. No. 6368/2023 arising out of Khushrupur P.S. Case No. 97 of 2023, F.I.R dated 16.03.2023 registered under Sections 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (PoA) Act and Section 27 of Arms Act.

4. According to the prosecution case, appellants abused the informant and threatened to kill him and also opened fire.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. He further submits that although the appellants are named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of assault or use of abusive language or taking caste name by the the appellants and there is case and counter case between the parties.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that appellant nos. 1,2,4 have clean antecedent,



appellant nos. 3 & 6 have one criminal antecedent and appellant no. 5 has three criminal antecedents.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts, there is no specific allegation against the appellants and appellant nos. 1, 2, 4 have clean antecedent and there is case and counter case, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST, Patna in A.B.P. No. 6368/2023 arising out of Khushrupur P.S. Case No. 97 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, their bail bonds shall be cancelled by the Court below.

ii. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedents of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedents, the Court below shall take step for cancellation of bail bonds of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Suruchi/-

U		T	
---	--	---	--

